

PUBLIC MEETING
January 28, 2003

Chair Anita Varone called the meeting to order at 9:00 a.m.

Commissioners Murray and Tinsley were present. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Mary Root, Karen Bryson, Michael McHugh, Jason Mohr, Frank Rives, Dave Tirsch, Rj Zimmer, Vernon Opp, Dennis Lay, John Peros, Jim Taylor, Pat Routson, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Swear in Substitute Justice of the Peace Judges. Justice of the Peace Wally Jewell has submitted waivers of training for Nick Jacques, Karen Bryson, JC Weingartner, and Mary Root as the persons qualified to hold court in his absence and recommends the Commission swear in the individuals. The Commissioners administered the oath of office to Mary Root and Karen Bryson. Mr. Jacques and Mr. Weingartner were unable to be present today and will be given the oath of office at a later date.

State Fuel Tax Allocation to Counties. RJ Zimmer reported the annual mileage certification from the state highway department is used to determine the amount of state fuel taxed distributed to the county based on the county road miles. Because the highway department is going through a major statewide road mapping project they have not had the time to provide new maps to do the certification process and is requesting the county accept the mileage from last year's certification. Staff and Public Works Director Eric Griffin concurred with MDT's request to accept last year's mileage form with no changes. Commissioner Murray moved the commission accept the gas tax mileage form provided by MDT reflecting the same number of miles as last year and authorize all three commissioners to sign. Commissioner Tinsley seconded the motion and it carried unanimously.

Proposed Subdivision, Summary Review to be Known as French Minor. (cont. from 1/23/03). The applicant, Tom French, proposes to create two lots, each for existing single-family dwelling. The property is generally located north of York Road and east of and adjacent to Helberg Drive. The applicant was present.

Variance: To allow the road to divide the southern portion of Tract B with the mitigating measures proposed (extended roadway easement). Commissioner Murray moved to approve the variance. Commissioner Tinsley seconded the motion and it carried unanimously.

Commissioner Tinsley moved to approve the proposal subject to 10 conditions as recommended by staff. Commissioner Murray seconded the motion.

Amendments to Conditions of Approval.

Commissioner Tinsley moved to add a condition the applicant shall pay a \$250 fee per lot to the East Valley Volunteer Fire Department. Commissioner Murray seconded the

motion and it carried unanimously.

Conditions 6.b, 6.c, 6.f. Commissioner Varone stated for the record that she does not agree with these conditions but will not make a motion because the other Commissioners do not support them.

The motion to approve the proposed subdivision carried unanimously.

Proposed Subdivision, Summary Review to be Known as Opp Minor Subdivision. The applicant, Vernon Opp, proposes to create four lots from an existing 9.28-acre tract, each for single-family residential use. The proposed subdivision is located generally located approximately ½ mile north of Deal Road and west of and adjacent to York Road. The applicant Vernon Opp and his representative Dennis Lay were present and indicated their willingness to proceed. Frank Rives presented the staff report. The internal access road is 500 feet, not 700 feet as written in the staff report and would need to meet county standards for a cul-de-sac. The subject property is a steep undeveloped hillside with several narrow ridges. The applicant would be required to obtain an approach permit from the MDT for the internal access road onto York Road. County road standards would require a hard surface apron of at least 30 feet extending westward from the paved surface of York Road. Shallow soil degradation and slopes were potential problems for the proposed subdivision. The Lewis and Clark Conservation District would require a sedimentation and erosion control plan. The access road would cross minor drainages and culverts would need to be installed. The Lakeside Volunteer Fire District has recommended a 24-foot width road with a standard cul-de-sac. Development of the property should be done in accordance with the fire protection guidelines for wildland residential interfaced development. Construction can potentially increase erosion and sedimentation on the property adversely affecting down slope residential properties and possibly adversely affect surface water quality for Hauser Lake. The applicant would need to provide retention improvements to prevent future storm events and should be required to clean out the culverts in and around the inlet and outlet. The proposed subdivision is not in accordance with subdivision regulations because of steep slopes, the potential for increased risks to health, safety and the general welfare of existing and future residents, and the potential for environmental degradation if further development of the parcel occurs. The subject property is located in an area where there may be an increased potential for fire risk if developed. There is no alternate escape route. The proposed cul-de-sac is located in a steeply sloped land with several minor drainages. Staff recommended denial of this subdivision proposal for the reasons stated and are more fully outlined in the staff report.

Vern Opp, 3405 Vista Lane, Butte. Mr. Opp stated this parcel would make good homesites because of the beautiful view. Homes would be in the \$200,000 to \$300,000 price range. He hired an engineer to lay out the roads at the ten percent grade.

Dennis Lay. Mr. Lay stated there is no opportunity for agricultural use on this property; the drainfields are not located on steep slopes; and the homesites will not be seen from

York Road. According to the Water Quality Protection District Administrator, Kathy Moore, there have been no reports of wells going dry in this area. The applicant is not requesting any variances from county standards. Retention ponds will be designed to contain runoff. The applicant will contact the U.S. Postal Service for proper mailbox placement on the property. A sediment control plan and a weed management plan will be prepared. The visual impacts will be minimal and the slopes will be revegetated. There are no mass slope failures on this property. Homes will be built on the bench. Construction will be built to UBC requirements. The applicant is willing to set building envelopes. Mr. Lay encouraged the commissioners to visit the site.

John Peros, 5465 York Road. Mr. Peros stated he submitted photographs of the area. He is not opposed to the subdivision, but is concerned that since the access points towards his house, water runoff will flow directly onto his property.

Jodi Hill, 5465 York Road. Ms. Hill stated that adding another access off York Road is a safety hazard.

Patricia Routson, 4975 Elkview Drive expressed her concerns regarding additional septic fields.

Dennis Lay. Mr. Lay stated the applicant's daughter is a registered professional engineer with Morrison-Maierle and can be hired to assist engineering of septic facilities.

Hearing no other comments, this closed the public hearing. Commissioner Murray moved the Commission render a final decision Thursday, January 30, at 9:00 a.m. in 309. Commissioner Tinsley seconded the motion and it carried unanimously.

The Commission recessed and reconvened at 10:30 a.m.

Final Plat Approval for the Parmer II Minor Subdivision. Frank Rives reported the applicant has met all of the conditions of approval and recommends approval of the final plat. By consensus, the Commissioners agreed to sign the final plat after the meeting.

Request for a One-Year Extension of Preliminary Plat Approval for the Wolfe Tracts Lot A Amended Minor Subdivision. Sharon Haugen reported the applicant Beth Barry has requested a one-year extension to complete MDT's approach permit process. The applicant has shown due diligence and recommended the extension to January 15, 2004. Commissioner Tinsley moved to grant a one-year extension to January 15, 2004. Commissioner Murray seconded the motion and it carried unanimously.

Application and Rental Agreement for Department of Transportation Property. Commissioner Murray moved to approve the agreement with MDT to allow the Lewis and Clark Volunteer Fire Department to rent a 32x70 building located near the fairgrounds to house fire department equipment, which has been declared surplus by the State of Montana. Commissioner Tinsley seconded the motion and it carried

unanimously.

Independent Contractor Contract. Nancy Everson reported the agreement retains Anderson ZurMuelen & Company as Lewis and Clark County's independent auditors for fiscal years 2003, 2004, and 2005. Ms. Everson stated that AZ's audit price of \$34,500 with a \$500 increase each year is reasonable. Staff recommends retaining AZ to complete the implementation of the GASB 34. Commissioner Tinsley moved to approve the contract retaining AZ as recommended by staff and authorize the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Jefferson County 4-H Agreement. Ron Alles reported this document amends the agreement which was previously approved by the Commission with Jefferson County for the 4-H Program. Jefferson County will no longer charge enrollment costs for the adult leaders of the 4-H program, and changing the contract term to two years instead of five years. Commissioner Tinsley moved the Commission approve the agreement and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

There was no other business and the meeting adjourned at 10:45 a.m.